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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/610,768	07/06/2000	William P. Alberth JR.	CS10557	5526
7590 Ray Warren (PJB) Motorola inc Personal Communications Sector 600 North US Highway 45 Libertyville, IL 60048	03/21/2007		EXAMINER TRAN, TUAN A	
			ART UNIT 2618	PAPER NUMBER

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/21/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/610,768	ALBERTH ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Tuan A. Tran	2618	

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 08 January 2007.

2a) This action is **FINAL**.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1,2,4-24 and 26-30 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) 1-2,4-10, 12-24 and 26-30 is/are allowed.

6) Claim(s) 11 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1)  Notice of References Cited (PTO-892)  
 2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3)  Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.

4)  Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5)  Notice of Informal Patent Application  
 6)  Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alpert (5,742,666) in view of Ebata et al. (6,487,542).

Regarding claim 11, Alpert discloses a method of sending a message stored in memory associated with a wireless device 54 (See fig. 3A), the wireless device 54 including a microphone 60, the method comprising the steps of: initiating a call from the wireless device (See fig. 3A and col. 3 lines 36-41, col. 5 lines 12-15); sending the stored message from the wireless device after a call is established (See col. 5 lines 15-20). However, Alpert does not mention that the data message including a digital signature, wherein the digital signature is for use in confirming the source and the legitimacy of the emergency information contained in the data message. Data message having digital signature wherein the digital signature is for use in checking the authenticity of the message (its source and contents), is well known in the art as suggested by Ebata (See figs. 8, 11 and col. 10 lines 5-11, col. 13 lines 27-51). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included digital signature, as Ebata's suggestion, into the

transmitted data message as disclosed by Alpert in order to enhance the validity of the message.

***Response to Arguments***

Applicant's arguments filed 01/08/2007 have been fully considered but they are not persuasive.

The applicant argued that the usage of a digital signature in association with financial information as suggested by Ebata is generally not applicable to the use of a digital signature in association with emergency information of the type disclosed by Alpert (See Remark, page 9). The examiner respectfully disagrees with the applicant's argument. In this instant case, since Alpert does disclose the step of sending an emergency data message and the concept of using digital signature in data message for confirming the authenticity of the message (i.e. the authenticity of a financial data message) is known in the art as shown by Ebata (See figs. 8, 11 and col. 10 lines 5-11, col. 13 lines 27-51); therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included digital signature, as Ebata's suggestion, into the transmitted emergency data message as disclosed by Alpert in order to enhance the validity of the message.

***Allowable Subject Matter***

2. Claims 1-2, 4-10, 12-24 and 26-30 are allowed.

The following is an examiner's statement of reasons for allowance:

Regarding claims 1-2, 4, 12-13, 26 and 28-29, the applicant's response (See Remark, page 8 third paragraph, page 9 first paragraph) filed on 01/08/2007, clearly states the inventive step of the instant application.

The reasons for allowance of claims 5-10, 14-24, 27 and 30 have been indicated in Office Actions mailed on 04/23/2003 and 10/09/2003 respectively.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan A. Tran whose telephone number is (571) 272-7858. The examiner can normally be reached on Mon-Fri, 10:00AM-6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Anderson can be reached on (571) 272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Tuan Tran

  
Matthew D. Anderson  
SPE - 2618